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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMIEN TORRES,

Defendant.

CASE NO. 1:22-CR-00250-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: October 18, 2023
TIME: 1 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 18, 2023.
2. By this stipulation, defendant and government now move to set the matter for jury trial on October 29, 2024, and to exclude time between October 18, 2023, and October 29, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has provided initial discovery and is looking into whether there is supplemental discovery that needs to be received for production.
 - b) The parties have been in plea discussions. The government is awaiting test results that may affect the plea offer and sentencing calculation in this matter.

1 c) Counsel for defendant needs time to review the discovery, conduct pretrial
2 investigation, and consider the plea agreement once it is approved and provided to the defense.

3 d) The estimated trial time is 3-4 days.

4 e) The defendant agrees and stipulates that time should be excluded for the
5 aforementioned reasons.

6 f) Counsel for defendant believes that failure to grant the above-requested
7 continuance would deny him/her the reasonable time necessary for effective preparation, taking
8 into account the exercise of due diligence.

9 g) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendants in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of October 18, 2023 to October 29,
14 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

22 Dated: October 10, 2023

PHILLIP A. TALBERT
United States Attorney

24 /s/ LAUREL J. MONTOYA
25 LAUREL J. MONTOYA
Assistant United States Attorney

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1 Dated: October 10, 2023

/s/ SERITA RIOS

SERITA RIOS

Counsel for Defendant

DAMIEN TORRES

6 **ORDER**

7 IT IS SO ORDERED.

9 DATED: 10/11/2023

Sheila K. Oberto

10 THE HONORABLE SHEILA K. OBERTO
11 UNITED STATES MAGISTRATE JUDGE